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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,340	02/24/2004	Andrew D. Bocking	0590	8776

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EXAMINER

HEFFINGTON, JOHN M

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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04/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/785,340

Applicant(s)

BOCKING, ANDREW D.

Examiner

JOHN M. HEFFINGTON

Art Unit

2179

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-11 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the request for continued examination filed 21 January 2009. Claim 1 has been amended. Claims 7, 8 and 12 have been canceled. Claim 19 has been added. Claims 1-6, 9-11 and 13-19 are pending and have been considered below.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 January 2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyworth et al. (US 5,579,472) in view of Cooper et al. (US 6,466,654 B1), and further in view of Wagner (US 2004/0155908 A1).

Claim 1: Keyworth discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visual display, a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. enabling scanning of the unread electronic messages received without reading (column 8, lines 49-62, figure 9, 11);

but does not disclose altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned. However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add an annunciation that new unread electronic messages have been received since

the unread electronic messages received were last scanned to Keyworth. One could have been motivated to add an annunciation that new unread electronic messages have been received since the unread electronic messages received were last scanned to Keyworth because, as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator. However, Wagner discloses altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to Keyworth and Cooper. One could have been motivated to add altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to Keyworth and Cooper to provide an easily distinguishable annunciation to

the user for, wherein the user can determining at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 2: Keyworth, Cooper and Wagner disclose the method of Claim 1, and Keyworth further discloses the step of providing said first indicator of the presence of unread electronic messages received comprises providing the visual display indicating the presence of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11).

Claim 3: Keyworth, Cooper and Wagner disclose the method of Claim 2, and Wagner further discloses the step of altering said first indicator to provide a second indicator comprises altering the visual display (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the step of altering said first indicator to provide a second indicator that provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display to Keyworth, Cooper and Wagner. One could have been motivated to add step of altering said first indicator to provide a second indicator that provides an annunciation that some of the unread electronic messages received are new electronic messages that have been received comprises altering the visual display to Keyworth, Cooper and Wagner to provide an easily distinguishable annunciation to the user for, wherein the user can determining at

a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 4: Keyworth discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visual display, a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. enabling scanning of the unread electronic messages received without reading; and (column 8, lines 49-62, figure 9, 11),
- c. the step of providing said first indicator of the presence of unread electronic messages received comprises providing the visual display indicating the presence of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11), wherein,

but does not disclose

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading, wherein,

- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display, wherein,
- c. the second indicator is provided in place of, or proximate to, the first indicator, and wherein,
- d. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received.

However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add generating an annunciation that new electronic messages have been received since the unread electronic messages received were last scanned without reading to Keyworth. One could have been motivated to add generating an annunciation that new electronic messages have been received since the unread electronic messages received were last scanned without reading to Keyworth because, as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display

would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose

- a. generating a second indicator at, or proximate to, the location on the visual display by altering said first indicator,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display,
- c. the second indicator is provided in place of, or proximate to, the first indicator,
- d. providing the visual display comprises providing an icon and altering the visual display comprises altering the icon.

However, Wagner discloses

- a. generating a second indicator at, or proximate to, the location on the visual display by altering said first indicator (figure 3),
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display (figure 3),
- c. the second indicator is provided in place of, or proximate to, the first indicator (figure 3),
- d. providing the visual display comprises providing an icon and altering the visual display comprises altering the icon (figure 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading, wherein,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display, wherein,
- c. the second indicator is provided in place of, or proximate to, the first indicator, and wherein,
- d. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received,

to Keyworth and Cooper. One could have been motivated to add

- a. generating a second indicator at, or proximate to, the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator that new electronic messages have been received since the unread electronic messages received were last scanned without reading, wherein,
- b. the step of generating said second indicator that new electronic messages have been received comprises altering the visual display, wherein,

- c. the second indicator is provided in place of, or proximate to, the first indicator, and wherein,
- d. providing the visual display indicating the presence of unread electronic messages received comprises providing an icon indicating the presence of unread electronic messages received and altering the visual display comprises altering the icon to indicate the presence of new electronic messages received.

to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determine at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 5: Keyworth, Cooper and Wagner disclose the method of Claim 4, and Keyworth further discloses altering the icon comprises at least one selected from the group comprising: flashing, bolding, changing the size, and changing the color of the icon (column 4, lines 42-45).

Claim 6: Keyworth, Cooper and Wagner disclose the method of Claim 4, and Wagner further discloses altering the visual display comprises adding indicia to said first indicator (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the visual display comprises adding indicia to said first indicator to altering the visual display comprises adding indicia to said first indicator to Keyworth, Cooper and Wagner. One could have been motivated to

add altering the visual display comprises adding indicia to said first indicator to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Claims 7-8: (cancelled)

Claim 9: Keyworth, Cooper and Wagner disclose the method of Claim 4, and Wagner further discloses the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display comprises altering at least one of the unread mail icon and the count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display to indicate the presence of new unread electronic messages received comprises altering at least one of the unread mail icon and the count to Keyworth, Cooper and Wagner. One could have been motivated to add the step of providing a visual display comprises providing an unread mail icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display to indicate the presence of new unread electronic messages received comprises altering at least one of the unread mail icon and the

count to Keyworth, Cooper and Wagner so that the user will associate the altered icon with an electronic mail receipt.

Claim 10: Keyworth, Cooper and Wagner disclose the method of Claim 9, and Wagner further discloses altering the display comprises adding to the visual display a second count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan to Keyworth, Cooper and Wagner. One could have been motivated to add altering the display comprises adding to the visual display a second count of the new unread electronic messages received since the last scan to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Column 11: Keyworth discloses a system for managing electronic messages received, comprising:

- a. a display (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. a message list of electronic messages received with identification of those that are unread (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);

- c. input means for selectively displaying the message list on the display for scanning for unread messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- d. a first indicator at a location on the display for indicating the presence of a number of unread messages, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);

but does not disclose

- a. a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading, and
- b. wherein the second indicator is provided in place of, or proximate to, the first indicator.

However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading to Keyworth. One

could have been motivated to add annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading to Keyworth because, as disclosed in Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation, and wherein the second indicator is provided in place of, or proximate to, the first indicator. However, Wagner discloses a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation, and wherein the second indicator is provided in place of, or proximate to, the first indicator (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading, and wherein the second indicator is provided in place of, or proximate to, the first indicator to Keyworth and Cooper to

Keyworth and Cooper. One could have been motivated to add a second indicator at, or proximate, to the location on the display comprising an alteration to said first indicator which provides a visually distinguishable annunciation of the presence of new unread electronic messages received since the message list was last displayed without reading, and wherein the second indicator is provided in place of, or proximate to, the first indicator to Keyworth and Cooper to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determining at a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Claim 12: (cancelled)

Claim 13: Keyworth, Cooper and Wagner disclose the system of Claim 11, and Keyworth further discloses the annunciation of the presence of new unread electronic messages received comprises an alteration to the count of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11).

Claim 14: Keyworth, Cooper and Wagner disclose the system of Claim 13, and Keyworth further discloses the alteration to the count comprises at least one of: bolding the count, flashing the count, changing the size of the count and changing the color of the count (column 4, lines 42-45).

Claim 15: Keyworth, Cooper and Wagner disclose the system of Claim 11, and Wagner further discloses the second indicator comprises additional indicia on the display (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator comprises additional indicia on the display to to Keyworth, Cooper and Wagner. One could have been motivated to add the second indicator comprises additional indicia on the display to to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Claim 16: Keyworth, Cooper and Wagner disclose the system of Claim 11 and Wagner further discloses the step of providing a visual display comprises providing an unread message icon indicating the presence of unread electronic messages along with the count of unread electronic messages, and altering the display comprises altering at least one of the unread message icon and the count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator comprises a message icon on the display adjacent the count of unread electronic messages received and the annunciation of the presence of new unread electronic messages received since the message list was last displayed comprises altering the message icon to Keyworth, Cooper and Wagner. One could have been motivated to add the second indicator comprises a message icon on the display adjacent the count of unread electronic messages received and the annunciation of the

presence of new unread electronic messages received since the message list was last displayed comprises altering the message icon to Keyworth, Cooper and Wagner so that the user will associate the altered icon with an electronic mail receipt.

Claim 17: Keyworth, Cooper and Wagner disclose the system of Claim 16, and Keyworth further discloses the altering the message icon comprises at least one of: bolding the icon, flashing the icon, changing the size of the icon and changing the color of the icon (column 4, lines 42-45).

Claim 18: Keyworth, Cooper and Wagner disclose the system of Claim 11, and Wagner further discloses the second indicator comprises a second count (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the second indicator comprises a second count, which is a count of the new unread electronic messages received to Keyworth, Cooper and Wagner. One could have been motivated to add the second indicator comprises a second count, which is a count of the new unread electronic messages received to Keyworth, Cooper and Wagner so that the original information represented by the first indicator is still represented, so that the information represented by the added indicia is communicated without eliminating the original information.

Claim 19: Keyworth discloses a method of managing unread electronic messages comprising the steps of:

- a. providing, at a location on a visual display, a first indicator of the presence of a number of unread electronic messages received, the first indicator including a count to indicate the number of unread electronic messages received (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11);
- b. enabling scanning of the unread electronic messages received without reading; and (column 7, lines 6-9, column 8, lines 49-62, figure 9, 11),

but does not disclose providing a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned. However, Cooper discloses distinguishing between new unread messages received since the user last checked, i.e. scanned, messages, old unread messages and old read messages (column 3, lines 20-22, column 6, lines 62, column 50, lines 41-44). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add an annunciation to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth. One could have been motivated to add an annunciation to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth because, as disclosed in

Keyworth, a user must make note of when a message was last received to determine if it is a new unread message since the user last brought up the wireless mail display (column 8, lines 49-62), and including an annunciation of the messages that are new and unread since the user last brought up the wireless message display would provide an easy way for the user to distinguish these messages from other unread messages.

Neither Keyworth nor Cooper disclose a second indicator at the location on the visual display, the second indicator including a count. However, Wagner discloses altering said first indicator to provide a second indicator at the location on the visual display that provides a visually distinguishable annunciation by altering said first indicator to (figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth and Cooper. One could have been motivated to add a second indicator at the location on the visual display, the second indicator including a count to indicate the number of unread electronic messages received and an indication that at least one of the unread electronic messages has been received since the unread electronic messages received were last scanned to Keyworth and Cooper to provide an easily distinguishable annunciation to the user for, wherein the user can determining at

a glance, new unread messages received since the wireless mail display was last brought, i.e. the messages were last checked.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Steven B Theriault/
Primary Examiner, Art Unit 2179